

June 11, 1948

Francis A. Roy, Secretary-Treasurer,  
Arizona State Board of Examiners  
in the Basic Sciences,  
University of Arizona

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**ARIZONA ATTORNEY GENERAL**

Dear Dr. Roy:

We have before us your letter of May 12, 1948, in which you ask the opinion of this office on the reciprocity problem of Dr. Norman K. Edgars, wherein Dr. Edgars applied for reciprocity on the basis of an Oregon basic science certificate which by your rules would allow him partial reciprocity but would require him to take our examination in bacteriology. Then later Dr. Edgars sent you a copy of a South Dakota basic science certificate to which we also grant partial reciprocity in five subjects including bacteriology. You then ask this question:

"Has Dr. Edgars exhausted his reciprocity rights when we recognized his Oregon Basic Science Certificate to the extent of the five subjects covered by the Oregon Law? Is it possible for a candidate to go shopping around to three or four different states with different subjects included in the basic science law and also different requirements for the granting of a basic science certificate and thus finally cover all six subjects included in the Arizona Basic Science Law? The Board wonders whether there might not be some legal considerations which apply to reciprocity in general that might cover such cases."

Our applicable statute is Section 67-207(b), A.C.A., 1939, which reads:

"An applicant, a citizen of the United States, furnishing satisfactory proof of a certification, registration, or license issued to such applicant within any state or territory of the United

States in which the requirements for the registration of said applicant at the date of issuance of his license shall be deemed by the board to be equivalent to those of Arizona, shall be eligible for registration by reciprocal endorsement at the discretion of the board, upon payment of the registration fee prescribed in section 67-206."

The statute provides for the use of the Board's discretion as to reciprocity. This then becomes an administrative and not a statutory proposition. However, the following is our belief in the matter.

It is the opinion of this office that our Basic Science Act, Sections 67-201 to 67-220, A.C.A. 1939, was designed to insure a high level of training for medical practitioners in this state in order to help maintain high standards in the practice. It is not the purpose of this act to attempt to limit the number of licensed practitioners in the state in order to create a semimonopoly for those already here and practicing.

With this view in mind, each case concerning reciprocity ought to be considered on its own merits. If a physician has actually passed an examination of comparable difficulty and scope in each of the subjects for which we require an examination, it would seem to make little difference whether he took such an examination on all of these subjects in one state or whether he was examined on just one subject in each of a half dozen states. He still has shown himself to be qualified in those subjects and if reciprocity is to be granted at all, he would be entitled to it.

If, however, he has attained reciprocity certificates covering our required subjects in a manner whereby he has not actually been examined, or sufficiently examined, in each of these subjects, but has been simply granted credit for them through the reciprocity of one state's recognition of another state's examination, and this recognition has extended to subjects on which his qualifications have never been actually tested, then it is our opinion that reciprocity on these subjects ought not be given.

The proper test, we believe, should be directed to an examination of the actual facts. Has he, or has he not, actually been properly examined somewhere on all of the subjects for which we require examination? If he has, it would seem that if reciprocity is to be granted at all, it should be complete reciprocity.

Very truly yours,

EVO De CONCINI, Attorney General

EDWARD JACOBSON, Assistant Attorney General  
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